

DISPOSITION: November 16, 1948. State Fish Distributors, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the good portion from the bad, under the supervision of the Federal Security Agency. On November 22, 1948, the decree was amended to provide for the destruction or the denaturing of the unfit portion. Of the 3,225 pounds seized, 1,990 pounds were segregated as bad.

FRUITS AND VEGETABLES*

CANNED FRUIT

14610. Adulteration of canned apples. U. S. v. 46 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 25931, 25932. Sample Nos. 28858-K, 33411-K.)

LIBELS FILED: November 16 and 17, 1948, District of Colorado and Northern District of California.

ALLEGED SHIPMENT: On or about July 24 and August 20, 1948, by Intermountain Food Co., Inc., from Provo, Utah.

PRODUCT: Apples. 46 cases at Trinidad, Colo., and 481 cases at San Francisco, Calif. Each case contained 6 6-pound cans.

LABEL, IN PART: "Mellhorn Brand Rocky Mountain Sliced Apples."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the corrosion of the cans, resulting in marked blackening of the apples.

DISPOSITION: December 13, 1948, and January 19, 1949. Default decrees of condemnation and destruction.

14611. Adulteration of canned apples. U. S. v. 169 Cases * * *. (F. D. C. Nos. 25878 to 25880, incl. Sample Nos. 28847-K to 28849-K, incl.)

LIBELS FILED: On or about October 29, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about July 24, 1948, by Intermountain Food Co., Inc., from Provo, Utah.

PRODUCT: 169 cases, each containing 6 6-pound cans, of sliced apples at Denver, Colo.

LABEL, IN PART: "Mellhorn Brand Sliced Apples."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 23, 1948. Default decrees of condemnation and destruction.

14612. Adulteration of canned blueberries. U. S. v. 96 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 23973, 24006, 24007. Sample Nos. 28712-K, 28713-K, 28831-K.)

LIBELS FILED: November 14 and December 9, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about November 6, 1946, by the Sea-Land Frosted Foods Corp. from Marion, N. Y., and Boston, Mass.

PRODUCT: 222 cases, each containing 24 1-pound, 4-ounce cans, of blueberries at Denver, Colo.

*See also Nos. 14502-14506.

LABEL, IN PART: "Sea-Land Selected Blueberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed and rotten blueberries.

DISPOSITION: January 8 and February 3, 1948. Decrees of condemnation and destruction.

14613. Adulteration and misbranding of canned cherries. U. S. v. 496 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 25510, 25872, Sample Nos. 36527-K, 45436-K, 45437-K.)

LIBELS FILED: October 12 and 27, 1948, Eastern District of Pennsylvania and Southern District of Iowa.

ALLEGED SHIPMENT: On or about August 2 and 6, 1948, by the Starr Fruit Products Co., from Salem and Portland, Oreg.

PRODUCT: Canned cherries. 496 cases at Philadelphia, Pa., and 48 cases at Davenport, Iowa. Each case contained 6 cans of 6-pound, 7-ounce, or 6-pound, 8-ounce, capacity.

LABEL IN PART: (Can) "Firefly Brand * * * Dark Sweet Pitted Cherries Packed in Water."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed cherries.

Misbranding, Section 402 (a), (Philadelphia lot) the label statement "Packed in Water" was false and misleading since the article was packed in sirup; and, Section 402 (g) (2), the product was represented as canned cherries and failed to conform to the definition and standard of identity, since it failed to bear the name of the optional packing medium, as required by the regulations.

DISPOSITION: October 12 and December 7, 1948. Default decrees of condemnation and destruction.

14614. Misbranding of canned cherries. U. S. v. 49 Cases * * *. (F. D. C. No. 25556. Sample No. 36524-K.)

LIBEL FILED: October 12, 1948, Eastern District of Pennsylvania; amended December 17, 1948.

ALLEGED SHIPMENT: On or about August 6, 1948, by the Starr Fruit Products Co., from Portland, Oreg.

PRODUCT: 49 cases, each containing 24 1-pound, 13-ounce cans, of cherries at Philadelphia, Pa.

LABEL, IN PART: "Park Farm Brand (Pitted) Dark Sweet Cherries in Heavy Syrup Fancy Grade" and "Park Farm Brand Light Sweet Royal Anne Cherries Fancy Grade."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy Grade" was false and misleading as applied to the product, which was not of fancy grade because of defects; and the label statement "Light Sweet Royal Anne Cherries," which appeared on some of the can labels, was false and misleading as applied to the product, which consisted of pitted dark sweet cherries.

Further misbranding, Section 403 (g) (2), the article purported to be and was represented as canned cherries, a food for which a definition and standard of identity had been prescribed by regulation, and the label on some cans failed to bear the name of the food specified in the standard since the cans were